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SUBJECT: Peru: Interim TIP Assessment

REF: STATE 182957

SUMMARY

¶1. (SBU) Peru is making steady progress in establishing a legal framework for prosecuting traffickers of persons and educating police, prosecutors, and the general public about trafficking in persons (TIP). The Garcia Administration, which took office on July 28, moved quickly to submit a comprehensive TIP law to Peru's Congress; passage is expected before Congress adjourns in December. The new Minister of Interior has given strong public support to combating TIP by participating in events to publicize the TIP problem and by recruiting other ministers to participate as well. Anti-TIP NGOs are generally pleased with GOP progress in combating TIP even though arrests have been few and no one has yet been sentenced for TIP crimes. Once the TIP law has been passed, the GOP's anti-TIP interagency group, which includes several NGOs as observers, has plans to educate the public about the law and to pressure the judicial system to act. The following paragraphs are keyed to the questions asked of Post in Reftel.

¶A. INCREASING INVESTIGATIONS AND PROSECUTIONS

¶2. (SBU) The GOP has not yet increased its investigation and prosecution of TIP crimes. Until a TIP law is enacted, GOP officials, NGOs, and international organizations involved in TIP all agree that prosecuting someone for a TIP crime cannot be done (see para 7). Instead, TIP or TIP-related crimes such as the kidnapping of a minor for sexual exploitation will be investigated by the GOP under different statutes. The Peruvian National Police (PNP) unit that investigates TIP-related crimes reported four cases through July 2006 that were passed to prosecutors for further investigation and trial. The seven cases from 2005 are still being processed by prosecutors. No trials or convictions have been reported.

¶B. PROVIDING ADEQUATE RESOURCES FOR LAW ENFORCEMENT

¶3. (SBU) The permanent Multisectoral Committee (MSC) on TIP (an interagency group chaired by the Ministry of Interior) and the International Organization for Migration (IOM) are jointly developing a national law enforcement strategy. Implementation of the strategy depends on the passage of the new TIP law now before the Peruvian Congress (see para 7). Among other things, the draft strategy calls for the PNP's TIP Investigation Unit to receive more personnel and funding. On March 13, the Ministry of Interior established a nationwide, toll-free TIP hotline and has been receiving an average of one thousand calls per month, about 15 percent of which could be considered TIP-related. The hotline staff is located in the Office of Human Rights in the Ministry of Interior. Regarding the hotline, the Ministry has created a

ground-breaking protocol where the PNP and the Office of Human Rights have agreed to truncate significantly the usual bureaucratic procedures and allow hotline tips to be passed quickly to a police station nearest the complainant. Whatever arrests were made as a result of the hotline tips were not referred to the police TIP unit for investigation. Nationwide, 30 people have been formally charged with pimping so far this year.

1C. INCREASING PUBLIC PRESSURE ON THE JUDICIARY

14. (SBU) Numerous anti-TIP NGOs and other civil society organizations are running TIP-awareness campaigns, especially regarding sexual exploitation of minors, in an effort to exert pressure on the Peruvian judicial system to prosecute TIP offenders. NGOs have partnered with the ministries to train several thousand police, prosecutors, judges, health practitioners, teachers, municipal officials, and child-protection workers nationwide (three programs were funded by G/TIP). The main stumbling block to better enforcement has been the lack of a law clearly defining TIP. The MSC has been working closely with NGOs to draft the new TIP law. GOP officials and NGOs both contend that once the new TIP law has been implemented--the legal groundwork laid--the police, prosecutors, and judges are prepared to enforce the law. The MSC and IOM have jointly produced a play and a film documentary about TIP that will be used to educate people about TIP and publicize the new TIP law. Minister Mazzetti has been publicly supporting these efforts. Also, a well-known Peruvian actress, Monica Sanchez, is promoting the play and documentary.

1D. PROCESSING CASES AND ASSIGNING A LEAD AGENCY ON TIP

15. (SBU) The Public Ministry (the ministry charged with investigating and prosecuting crimes) is implementing a computerized case-tracking system to allow prosecutors (not the police) to follow a criminal case from the initial investigation to trial to sentencing to prison and release. Until now, Peru has never had the capability to track criminal cases as they progress through the justice system. The new case-tracking system will include TIP cases. In addition, the PNP now have a computer database in which to record TIP arrests and forward them to the TIP Investigations Unit. Police officers in Lima and 7 other PNP districts (out of a total of 12 districts) will have been trained to use the system by April 2007.

16. (SBU) A project due to be finished by May 2007 will link the PNP and the Public Ministry case-tracking systems in order to share crime data. No single GOP agency has been designated to track TIP cases; rather the PNP's TIP database will pass information to the Public Ministry's crime database, which will track TIP cases along with all other crimes. Most likely, the MSC will continue to gather statistics and monitor progress on combating TIP. The current capacity of the Peruvian judicial system to track any type of crime is very limited, so the possibility of singling out TIP crimes consistently is remote in the short term.

1E. GOP WORKING WITH CONGRESS ON TIP LAWS

17. (SBU) A law was sent to Peru's Congress in early 2004 that would have defined TIP and brought the Peruvian penal code in line with the Palermo Protocols on TIP and smuggling of migrants. The law languished in Congress during the final months of the Toledo Administration (through July 2006). The Garcia Administration took office on July 28. On October 2, the new Minister of Interior Pilar Mazzetti, who has been a strong advocate for combating TIP, invited three other Ministers (Women's Issues, Labor, and Justice) to participate in the MSC to support the new TIP legislation. The MSC resubmitted the legislation to the new Congress on October 21 with, importantly, the strong support of President Garcia who used a special congressional procedure to declare the legislation "urgent" in order to move it to the top of the legislative agenda. Minister Mazzetti convincingly defended the bill before the Congress's Justice Commission. Both the Justice and Women's Commissions have approved the legislation and have passed it to the full Congress where no opposition is expected. Embassy sources are predicting the legislation will be signed into law before the Congress adjourns on

December 15.

Struble